

**Minutes  
URBAN COUNTY PLANNING COMMISSION  
SUBDIVISION ITEMS**

**December 9, 2010**

- I. CALL TO ORDER** - The meeting was called to order at 1:30 p.m. in the Council Chambers, Urban County Government Building, 200 East Main Street, Lexington, Kentucky.

Planning Commission Members Present – Carolyn Richardson, Chair; Mike Cravens, Vice Chair; Lynn Roche-Phillips (arrived at 1:31 PM); Marie Copeland (arrived at 2:17 PM); Ed Holmes (departed at 3:22 PM); Mike Owens; William Wilson; Eunice Beatty; Carla Blanton; Patrick Brewer (arrived at 1:31 PM) and Derek Paulsen.

Planning Staff Present – Chris King, Bill Sallee, Barbara Rackers, Tom Martin, Chris Taylor, Cheryl Gallt and Denice Bullock. Other staff members in attendance were: Hillard Newman, Division of Engineering; Captain Charles Bowen, Division of Fire & Emergency Services; Rochelle Boland, Department of Law; Jeff Neal, Traffic Engineering; Bettie Kerr and Amelia Armstrong, Division of Historic Preservation and Billy Van Pelt, Purchase of Development Rights.

- II. APPROVAL OF MINUTES** – The Chair reminded the members that the Planning Commission meeting minutes of October 14, 2010, had been previously distributed to the Commission, and were ready to be considered at this time

Action - A motion was made by Mr. Owens, seconded by Mr. Cravens and carried 8-0 (Roche-Phillips, Copeland and Brewer absent) to approve the minutes of the August 12, 2010, meeting.

- III. POSTPONEMENTS OR WITHDRAWALS** – The Chair asked if anyone in the audience or on the staff wished to make a request for postponement or withdrawal.

Note: Mr. Brewer arrived at this time.

- a. PLAN 2010-100F: NDC PROPERTY (WELLINGTON), UNIT 1-B, SECTION 2, LOTS 19 & 20 (AMD) (12/9/10)\* - located at 209 Ruccio Way. (Council District 9) **(Foster-Roland, Inc.)**

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting postponement PLAN 2010-100F to the December 16, 2010, Planning Commission meeting.

Note: Ms. Roche-Phillips arrived at this time.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Wilson, seconded by Ms. Beatty, and carried 10-0 (Roche-Phillips abstained; Copeland absent) to postpone PLAN 2010-100F to the December 16, 2010, Planning Commission meeting.

- b. DP 2010-79: NDC PROPERTY, UNIT 1-B, SEC. 2, LOTS 19, 20, 20A & 20B (AMD) (1/29/11)\* - located at 260-280 Meijer Way and 209-213 Ruccio Way. (Council District 9) **(Foster-Roland, Inc.)**

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting postponement DP 2010-79 to the December 16, 2010, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Brewer, seconded by Mr. Owens, and carried 10-0 (Copeland absent) to postpone DP 2010-79 to the December 16, 2010, Planning Commission meeting.

Note: Mr. Martin said that prior to this hearing, the staff had spoken with Mr. Kahly, EA Partners, and had also received an email correspondence indicating several items listed on today's agenda would be postponed to the January 13, 2011, Planning Commission meeting. Mr. Martin said that Mr. Kahly was not present at that time; however, the staff could review these items if the Planning Commission wished. The Chair noted that since there is documentation for the postponement requests, the staff could proceed, with which Mr. Martin agreed.

- c. PLAN 2010-131P: HILLENMEYER PROPERTY & DWS PROPERTY (A PORTION OF) (AMD) (1/29/11)\* - located at 2801 Sandersville Road, 803 Greendale Road and 2551 Leestown Road. (Council District 2) **(EA Partners)**

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting postponement of PLAN 2010-131P to the January 13, 2011, Planning Commission meeting.

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\* - Denotes date by which Commission must either approve or disapprove plan.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Cravens, seconded by Mr. Paulsen, and carried 10-0 (Copeland absent) to postpone PLAN 2010-131P to the January 13, 2011, Planning Commission meeting.

- d. PLAN 2010-129F: SUNNY SLOPE FARM, UNIT 3-C, SECTION 2, LOTS 102 & 103 (AMD) (1/20/11)\* - located on Silverbell Trace. (Council District 9) **(EA Partners)**

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting postponement of PLAN 2010-129F to the January 13, 2011, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Ms. Beatty, seconded by Mr. Brewer, and carried 10-0 (Copeland absent) to postpone PLAN 2010-129F to the January 13, 2011, Planning Commission meeting.

Note: Mr. Martin noted that Mr. Kahly had arrived at the hearing, but indicated that the staff could continue relaying the content of his email.

- e. DP 2010-69: SUNNY SLOPE FARM, UNIT 3, LOTS 102-106 (1/20/11)\* - located on Silverbell Trace. (Council District 9) **(EA Partners)**

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting postponement of DP 2010-69 to the January 13, 2011, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Owens, seconded by Mr. Paulsen, and carried 10-0 (Copeland absent) to postpone DP 2010-69 to the January 13, 2011, Planning Commission meeting.

- f. PLAN 2010-106F: TUSCANY, UNIT 6, SECTION 1, LOTS 1 & 2 (3/1/11)\* - located at 2599 Old Rosebud Road (a portion of). (Council District 6) **(EA Partners)**

Staff Comments – Mr. Martin said that the staff had received an email correspondence from the applicant, requesting postponement of PLAN 2010-106F to the January 13, 2011, Planning Commission meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request for postponement. There was no response.

Action - A motion was made by Mr. Brewer, seconded by Ms. Beatty, and carried 10-0 (Copeland absent) to postpone PLAN 2010-106F to the December 16, 2010, Planning Commission meeting.

- IV. **LAND SUBDIVISION ITEMS** - The Subdivision Committee met on Thursday, December 2, 2010, at 8:30 a.m. The meeting was attended by Commission members: Mike Cravens, Mike Owens, Marie Copeland, Eunice Beatty and Derek Paulsen. Committee members in attendance were: Chuck Saylor, Division of Engineering; and Jeff Neal, Division of Traffic Engineering. Staff members in attendance were: Bill Sallee, Tom Martin, Cheryl Gallt, Chris Taylor, Denice Bullock and Jimmy Emmons, as well as Captain Charles Bowen, and Firefighter Allen Case, Division of Fire & Emergency Services; Rochelle Boland, Law Department; and Bob Carpenter, Division of Building Inspection. The Committee made recommendations on plans as noted.

*General Notes*

*The following automatically apply to all plans listed on this agenda unless a waiver of any specific section is granted by the Planning Commission.*

- 1. All preliminary and final subdivision plans are required to conform to the provisions of Article 5 of the Land Subdivision Regulations.*
- 2. All development plans are required to conform to the provisions of Article 21 of the Zoning Ordinance.*

- A. **CONSENT AGENDA - NO DISCUSSION ITEMS** – Following requests for postponement or withdrawal, items requiring no discussion will be considered.

**Criteria:**

- (1) the Subdivision Committee recommendation is for approval, as listed on this agenda; and
- (2) the Petitioner is in agreement with the Subdivision Committee recommendation and the conditions listed on the agenda; and
- (3) no discussion of the item is desired by the Commission; and
- (4) no person present at this meeting objects to the Commission acting on the matter without discussion; and

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(5) the matter does not involve a waiver of the Land Subdivision Regulations.

**Requests can be made to remove items from the Consent Agenda:**

- (1) due to prior postponements and withdrawals,
- (2) from the Planning Commission,
- (3) from the audience, and
- (4) from Petitioners and their representatives.

At this time, The Chair requested that the Consent Agenda items be reviewed. Mr. Sallee identified the following items appearing on the Consent Agenda, and oriented the Commission to the location of these items on the regular Meeting Agenda. He noted that the Subdivision Committee had recommended conditional approval of many of these items. (A copy of the Consent Agenda is attached as an appendix to these minutes).

1. PLAN 2010-130F: PINECREST SUBDIVISION, UNIT 1-F, LOT 20 (AMD) (1/27/11)\* - located at 3832 Pinecrest Way.  
(Council District 9) **(Eagle Engineering)**

Note: The purpose of this amendment is to subdivide one lot into two lots.

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
  2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Building Inspection's approval of landscaping and required street tree information.
  4. Addressing Office's approval of street names and addresses.
  5. Department of Environmental Quality's approval of environmentally sensitive areas.
  6. Addition of utility and street light easement(s) as required by the utility companies and the Urban County Traffic Engineer.
  7. Complete lot frontage and number of lots in site statistics.
  8. Addition of name and address of property owner and developer.
  9. Show adjacent property lines in dashed form for property adjacent to the west of the subject property.
  10. Complete easement information on Lots 20 & 20-A.
  11. Addition of private utilities (listing).
  12. Denote that the home owners' association will own and maintain the detention basin.
2. DP 2010-73: WINBURN SHOPPING CENTER, UNIT 1-E, LOT 1 (AMD.) (1/26/11)\* - located at 1100 Winburn Drive.  
(Council District 2) **(Prizm)**

Note: The purpose of this amendment is to increase buildable area, add second entrance and move location of dumpster.

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
  2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Building Inspection's approval of landscaping and landscape buffer.
  4. Addressing Office's approval of street names and addresses.
  5. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
  6. Division of Fire's approval of emergency access and fire hydrant locations.
  7. Division of Waste Management's approval of refuse collection.
  8. Addition of name and address of property owner and developer.
  9. Denote construction access location off Winburn Drive.
  10. Addition of height of building (# of stories).
  11. Correct Planning Commission certification (date).
  12. Clarify purpose of amendment note (delete second sentence).
  13. Revise no access limits on Winburn Drive for Lot 3-B.
  14. Correct note #7 "Compliance with the Division of Engineering Manual."
  15. Document encroachment permit for building/easement conflict.
  16. Remove proposed new access point.
3. DP 2010-74: VICTORY LUTHERAN CHURCH PROPERTY, LOTS 2-13 (AMD) (1/27/11)\* - located at 2868 – 2890 Rio Dosa Drive. (Council District 7) **(Eagle Engineering)**

Note: The purpose of this amendment is to add buildable area on Lots 2-7, add a carport and reduce a tree protection area.

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffer.
4. Addressing Office's approval of street names and addresses.

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5. Urban Forester's approval of tree protection plan.
  6. Division of Waste Management's approval of refuse collection.
  7. Clarify topography information.
  8. Denote building heights.
  9. Correct Planning Commission certification.
  10. Certification of consolidation and easement minor plan prior to development plan certification.
  11. Label decks and/or patios.
  12. Revise tree preservation plan and tree protection plan to reflect .82-acre site, including street tree information.
  13. Clarify 25' utility easement on lot 2 along Mt. Tabor Road frontage.
  14. Resolve driveway width on Units 8-13.
4. DP 2010-76: NDC PROPERTY, UNIT 1-B, SEC. 2, LOT 17 (AMD) (1/29/11)\* - located at 233 Ruccio Way.  
(Council District 9) **(Barrett Partners)**

Note: The purpose of this amendment is to revise building and parking on Lot 17 and amend cross-section "D-D" to "as built" conditions.

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
  2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Building Inspection's approval of landscaping and landscape buffer.
  4. Addressing Office's approval of street names and addresses.
  5. Urban Forester's approval of tree protection plan.
  6. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.
  7. Division of Fire's approval of emergency access and fire hydrant locations.
  8. Division of Waste Management's approval of refuse collection.
  9. Clarify new tree planting locations on Lots 17 & 18 to comply with canopy requirements.
5. DP 2010-77: SOUTH GROVE SUBDIVISION, LOTS 1, 2 & 3 (1/29/11)\* - located at 1610-1612, 1614-1616 and 1618 Harrodsburg Road. (Council District 10) **(Midwest Engineers)**

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm & sanitary sewers, and floodplain information.
  2. Urban County Traffic Engineer's approval of street cross-sections and access.
  3. Building Inspection's approval of landscaping and landscape buffer.
  4. Addressing Office's approval of street names and addresses.
  5. Urban Forester's approval of tree protection plan.
  6. Division of Fire's approval of emergency access and fire hydrant locations.
  7. Division of Waste Management's approval of refuse collection.
  8. Document the approval of Special Permit per Article 19 of the Zoning Ordinance.
  9. Denote locations for vehicular use area screening.
6. DP 2010-78: JOE COONS FARM, UNIT 2, LOT B, OUTPARCEL D (AMD) (1/29/11)\* - located at 4201 Saron Drive.  
(Council District 12) **(The Roberts Group)**

Note: The purpose of this amendment is to add 192 square feet of building area to the existing car wash.

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
  2. Building Inspection's approval of landscaping and landscape buffer.
  3. Addressing Office's approval of street names and addresses.
  4. Urban Forester's approval of tree protection plan.
  5. Denote Board of Adjustment's approval of dimensional variance prior to certification.
7. DP 2010-60: HAMBURG PLACE FARM, PHASE 2, LOT 17 (AMD) (12/28/10)\* - located on Sir Barton Way.  
(Council District 6) **(Vision Engineering)**

Note: The purpose of this amendment is to reduce the size of Lot 17 and to revise the parking layout.

Note: The Planning Commission originally approved this plan on October 14, 2010, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm, and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Correct Planning Commission certification date.
5. Addition of bearings and distances for Lot 17.

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6. Revise the lot lines to include all of the proposed access easement on the adjacent property not shown on the approved record plat (PLAN 2010-50F).
7. Review by the Technical Committee prior to certification.

Note: The applicant has requested a continued discussion to reduce the off-street parking by 17 spaces.

The Subdivision Committee Recommended: **Approval**, subject to the previous conditions.

In conclusion, Mr. Sallee said that the items listed on the Consent Agenda could be considered for conditional approval at this time by the Commission, unless there was a request for an item to be removed from consideration for discussion by a member of the Commission or the audience.

Planning Commission Comments – The Chair asked if anyone in the audience or on the Commission wished to discuss any of the items listed on the Consent Agenda. There was no response.

Action - A motion was made by Mr. Holmes, seconded by Mr. Paulsen and carried 10-0 (Copeland absent) to approve the remaining items listed on the Consent Agenda.

- B. DISCUSSION ITEMS** – Following requests for postponement, withdrawal and no discussion items, the remaining items will be considered.

The procedure for consideration of these remaining plans is as follows:

- Staff Report(s)
- Petitioner's Report(s)
- Citizen Comments – (a) in support of the request, and (b) in opposition to the request
- Rebuttal – (a) petitioner's comments, (b) citizen comments, and (c) staff comments
- Commission discusses and/or votes on the plan

#### **1. PRELIMINARY SUBDIVISION PLANS**

- a. PLAN 2005-163P: NDC PROPERTY, UNIT 5 (AMD) (2/22/11)\* - located at 451-501 & 500 West Reynolds Road.  
(Council District 9) **(Sherman/Carter/Barnhart)**

Note: The Planning Commission originally approved this plan on July 14, 2005, subject to the following conditions:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of parking, circulation, access, and street cross-sections.
3. Approval of street names by e911 staff.
4. Greenspace Planner's approval of the treatment of greenways, bike trails, and pedestrian movements.

Note: The applicant has requested a reapproval of this plan.

Staff Presentation – Ms. Gallt directed the Commission's attention to a rendering of the amended Preliminary Development Plan for NDC Property, Unit 5, which is located at 451-501 & 500 West Reynolds Road. She oriented the Commission to the surrounding street system, and said that the subject property is located between Nicholasville Road and Clays Mill Road. She indicated that the subject site is off Vincent Way, which is part of what used to be known as Reynolds Road.

Ms. Gallt said that the purpose of this amendment is to revise the street cross-sections, to remove a bike path and bikeway, as well as add a 5' sidewalk. She said that, in reviewing the plan, there is a 12' asphalt bike path that runs from the park area to the neighboring subdivision. She noted, that at the request of the neighborhood, the bike path will be removed and replaced with a sidewalk, as well as additional green area.

Ms. Gallt then said that, in reviewing the applicant's request, the staff is recommending reapproval of this plan, subject to the previous conditions listed and adding the following conditions:

5. Addition of developer's name and address.
6. Addition of graphic and written scale.
7. Bike and Pedestrian Planner's approval of bike trails and pedestrian facilities.

Representation – John Barlow, Barlow Homes, stated that he is in agreement with the staff's recommendations, and requested reapproval of PLAN 2005-163P.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

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Action - A motion was made by Mr. Paulsen, seconded by Mr. Cravens and carried 10-0 (Copeland absent) to reapprove PLAN 2005-163P, subject to the 7 conditions listed by the staff.

## 2. DEVELOPMENT PLANS

- a. DP 2010-83: SAYRE CHRISTIAN VILLAGE (PHASE 1-5) (BELLEAU WOOD SUBDIVISION) (AMD) (2/23/11)\* - located at 3816 Camelot Drive, 560 Greenfield Drive & 3773-3789 Belleau Wood Drive. (Council District 4) **(Banks Engineering)**

Note: The purpose of this amendment is to add parking and buildable area.

The Subdivision Committee Recommended: **Approval**, subject to the following requirements:

1. Urban County Engineer's acceptance of drainage, storm and sanitary sewers.
2. Urban County Traffic Engineer's approval of street cross-sections and access.
3. Building Inspection's approval of landscaping and landscape buffers.
4. Addressing Office's approval of street names and addresses.
5. Urban Forester's approval of tree protection plan.
6. Division of Fire's approval of emergency access and fire hydrant locations.
7. Division of Waste Management's approval of refuse collection.
8. Certification of an easement minor plat prior to plan certification.
9. Delete note #18.
10. Correct Planning Commission certification.
11. Review by the Technical Committee prior to certification.
12. Discuss proposed access.
13. Discuss proposed landscape buffer along Belleau Wood Drive and Camelot Drive.

Staff Presentation – Mr. Taylor directed the Commission's attention to a rendering of the amended Final Development Plan for Sayre Christian Village (Phases 1 through 5). He noted that the subject site is within the Belleau Wood Subdivision and is located at 3816 Camelot Drive, 560 Greenfield Drive & 3773-3789 Belleau Wood Drive. He oriented the Commission to the surrounding street system, and said that the subject property is between Camelot Drive and Wilson-Downing Road.

Mr. Taylor said the purpose of this amendment is to add parking, revise the access off Belleau Wood Drive, and add a new access off Greendale Drive. He then said that there are existing buildings on the subject site, and part of the amendment is to construct an addition onto two of the buildings, as well as construct a new building.

Mr. Taylor said that the Commission first reviewed this plan at a recent zone change hearing. The zoning development plan that was submitted for review is nearly identical to the final development plan being proposed at today's meeting. He then said that the Subdivision Committee had reviewed the applicant's request, and recommended approval, subject to the conditions listed on the agenda. He noted that there are two discussion items that were carried over from the zone change hearing. Mr. Taylor noted that this request was filed as a late plan, and has not yet been in front of the Technical Committee for review.

Mr. Taylor said that the proposed access was originally discussed at length with the Commission and the neighbors at the recent zone change hearing in. The staff felt it was important to bring this issue back to the Commission for further review (condition number 12).

Mr. Taylor then said that the proposed landscape buffer was also discussed considerably at that hearing. He said that landscape buffer along Belleau Wood Drive and Camelot Drive had been denoted on the zoning development plan, and it indicated that that issue would be determined on the final development plan. The applicant had submitted a landscaping plan, and the plan did address many of the items listed on the conditional use report. He said that even though the applicant has addressed many of these items, the landscape islands and buffers are not resolved. He then said that the applicant will need to submit a revised landscaping plan that resolves these issues.

In conclusion, Mr. Taylor said that the staff is recommending approval, subject to the conditions listed on the agenda. He noted that the Division of Solid Waste will need to approve the proposed access due to the dumpster location on the subject site, near Greenfield Drive.

Commission Questions – Mr. Holmes asked if the landscape plan will detail the types of plant material that will be used. Mr. Taylor replied affirmatively, and said that it will also detail the cross-sections for the berm and the species of plant material to be used. Mr. Holmes then asked if this plan will be revised. Mr. Taylor said that the staff is requesting that the applicant revise the landscape plan and denote the landscaping islands along Greenfield Drive, Camelot Drive and Belleau Wood Drive.

Representation – Jason Banks, Banks Engineering, was present representing the applicant. He noted that they will submit a new landscaping plan to the staff; and as for the access to Belleau Wood Drive, they have agreed to make

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this a one-way route that will loop through the property. He noted that the applicant is in agreement with the staff's recommendations, and requested approval of DP 2010-83.

Commission Questions – Mr. Owens said that at the Subdivision Committee meeting, there was talk of the access being one way and that proper signage should be provided. Mr. Banks said that they will submit a site plan to Building Inspection showing those details of the access on the site plan.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Holmes, seconded by Mr. Brewer and carried 10-0 (Copeland absent) to approve DP 2010-83, subject to the conditions listed by the staff, deleting condition #12 and change condition #13 to read: "Resolve proposed landscape islands along Belleau Wood Drive and Camelot Drive."

### 3. **MINOR DEVELOPMENT PLANS**

- a. DP 2010-82: SCHROYER PROPERTY, LOT 2A (AMD) (2/10/11)\* - located at 3600 Palomar Drive.  
(Council District 10) **(Stylus Design)**

Note: The purpose of this minor amendment is to revise parking, the proposed building envelope and the building addition.

Note: The following plan was filed with the staff as a "minor" amendment. However, the building lot coverage is increasing, which can not be approved by the staff. As such, the staff is forwarding this plan for consideration by the Commission (under Article 21-7(b)(2) of the Zoning Ordinance).

The Staff Recommends: **Approval**, subject to the following requirements:

1. Building Inspection's approval of landscape information.
2. Addition of all exterior building dimensions.
3. Resolve conflict with building envelope and outdoor mechanical equipment shown.
4. Remove building envelope around previously completed additions.
5. Addition of "purpose of amendment note."
6. Correct Planning Commission's certification to indicate date of approval.
7. Delete interior building information (walls, hallways, etc.).

Staff Presentation – Mr. Taylor directed the Commission's attention to a rendering of the minor amendment for the Schroyer Property, Lot 2A (AMD). He noted that the subject site is located at 3600 Palomar Drive. He oriented the Commission to the surrounding street system and commercial uses in the area. He said that the subject property is near Harrodsburg Road and Wellington Way, adjacent to the Palomar Shopping Center.

Mr. Taylor said that the purpose of this minor amendment is to revise the parking, the proposed building envelope and add a building addition. He said that the plan was filed with the staff as a minor amendment; however, as part of the review process, the staff discovered that the building envelope had increased from that originally approved by the Planning Commission. With that being said, the staff can not approve the increase; therefore, this item is being forwarded to the Commission for consideration (under Article 21-7(b)(2) of the Zoning Ordinance).

In conclusion, Mr. Taylor said that the staff is recommending approval, subject to the seven conditions listed on the agenda.

Representation – There was no representative present for the applicant at this meeting.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Action - A motion was made by Mr. Paulsen, seconded by Mr. Wilson and carried 10-0 (Copeland absent) to approve DP 2010-82, subject the conditions listed by the staff.

- C. PERFORMANCE BONDS AND LETTERS OF CREDIT** – A motion was made by Mr. Owens, seconded by Mr. Cravens, and carried 10-0 (Copeland absent) to approve the release and call of bonds as detailed in the memorandum dated December 9, 2010, from Ron St. Clair, Division of Engineering.

**VI. COMMISSION ITEMS** - The Chairman will announce that any item a Commission member would like to present will be heard at this time.

- A. BOAR 2010-2: ARTHUR SALOMON & STUART LOWENTHAL** – an appeal of BOAR denial of a Certificate of Appropriateness to replace original wood windows with vinyl windows, in the Aylesford Historic District, at 127 Ransom Avenue.

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Staff Presentation – Ms. Rackers submitted a letter from the appellant's architect to the Commission for review. She stated that this is an appeal of the Board of Architectural Review's (BOAR) denial of a Certificate of Appropriateness (COA) to replace the original windows on the front of the 4-plex at this address with vinyl windows of the same design, although with insulated glass.

Ms. Rackers oriented the Commission to the surrounding street system, as well as to the existing land uses in the area. She said that the subject property is located at 127 Ransom Avenue, which connects East High Street and East Main Street. She then said that the subject property is generally surrounded by residential properties and zoning R-3/H-1 overlay zone, with the exception of a commercial property and B2-A zoning to the northwest. She noted that this property was purchased by the appellant in 1984, prior to the H-1 overlay being implemented in 1998.

Ms. Rackers said that the appellant is requesting that the Planning Commission review the decision made by the Board of Architectural Review in their denial of a COA to replace the original wooden windows on the front façade of the 4-plex with vinyl windows. She then said that before Historic Preservation was able to issue a stop order, the appellant had replaced 12 of the 14 front windows. She noted that there are a total of 35 windows on the building that are in need of repair, and as of now 1/3 of those windows have been replaced with vinyl windows. The decision of the Planning Commission will determine what the appellant can do with the remaining windows. Ms. Rackers said that the residential structure is a 2-story brick 4-plex facing Ransom Avenue, with 14 windows on the front façade. She said that the structure was built in the 1920s, and it is thought that the front windows were retrofitted in the 1960s. The windows on the structure are in need of extensive repair and 12 windows have been replaced as of now.

Ms. Rackers said that the Board of Architectural Review heard this case at their September 22, 2010, meeting. She said that the appellant had cited energy efficiency as the reason for replacing the windows. The appellant further stated that he was trying to reproduce the windows as closely as possible by keeping the original framing and size of the openings, as well as maintaining the style of the window, which is 1 over 1 pane design. However, he used vinyl rather than wood or even aluminum clad sashes, both of which are within the Historic Preservation Commission's adopted Design Guidelines for Lexington's historic districts. She said that there were several guidelines listed by the staff in their report to the BOAR. In particular, Guideline I.24.B was cited in the findings and is clearly applicable to this case. Guideline I.24.B reads:

*"Windows should be repaired rather than replaced. If the review process determines that replacement is necessary due to severe deterioration, the replacement should be in-kind to match the originals in size, material and design. The installation of new wood windows to match the original design is recommended. The installation of baked enamel or anodized aluminum clad windows (not totally of aluminum construction) may be considered. If aluminum clad windows are applied, they should match historic wood windows as closely as possible in their dimensions, profile, depth of muntins and surrounding trim. Vinyl or vinyl clad windows are not allowed."*

Ms. Rackers noted that the words "should and can" allow for interpretation; however, Guideline I.24.B clearly states that vinyl or vinyl clad windows are not allowed.

Ms. Rackers said that the appellant had requested that the Board of Architectural Review allow the vinyl windows since it is difficult to tell from the street that they are not the original wood windows. In response, the Chair explained the language of the Design Guidelines and how the words "should" or "shall" are used. She said that a second Board member explained that vinyl is a relatively new product and was not used in historic construction and that the Board member further noted that vinyl has the tendency to discolor over time, as well as dry out and crack; whereas, wood, if properly maintained, will last much longer and will preserve the historic fabric of a structure. It was added that the historic design guidelines across the nation disallow the use of vinyl.

Ms. Rackers said that the Chair had noted that the Historic Preservation staff had recommended approval for the replacement of the windows due to their condition, but it should be done with aluminum clad or wood. Vinyl is not allowed. She then said that the appellant requested the Board to allow the vinyl because from the street it was difficult to tell the difference between wood and vinyl. She noted that the appearance of the window was not nor should it be, the deciding factor; it was the fact that vinyl is not allowed in an historic district. She said that the Board of Architectural Review and the staff based their recommendation on the type of material being used by the appellant and she requested that the Planning Commission do the same. She noted that vinyl is strictly prohibited in an historic district.

Ms. Rackers said that the appellants purchased the property prior to the H-1 overlay zone being implemented, yet they said that they had no knowledge of the design guidelines. She then said that the Historic Preservation staff had explained the process of how the property owners were notified and the hearings that led up to the H-1 overlay zone being approved. She added that the Design Guidelines had undergone an extensive review by a committee in 2008, vinyl was discussed at length, and it was determined that vinyl is not historic in nature and, for that reason and other varying reasons, should not be permitted. There are aesthetic issues, as well as safety issues, as it melts when exposed to high heat.

In conclusion, Ms. Rackers said that, in reviewing this case, the Planning staff could find no flaws in the review of the appellants' request by either the Historic Preservation staff or the Board of Architectural Review. She said that, based on findings as stated in the staff report, the minutes of the public hearing, and the video of the meeting, the denial of a Certificate

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of Appropriateness was not in error. She said that the Board's decision was consistent with their charge of interpreting and applying the adopted design guidelines, as well as being consistent with past decisions. Ms. Rackers said that there is no room for interpretation of Guideline I.24.B, which specifically states that vinyl or vinyl clad windows are not permitted. With that being said, the staff recommends disapproval of the appellant's request and that the decision of the BOAR be upheld, for the following reasons:

1. The denial of a Certificate of Appropriateness by the Board of Architectural Review is consistent with their charge in determining appropriateness of requested exterior changes, based on the design guidelines established by the local Historic Preservation Commission, specifically guidelines I.24.A and I.24.B in this case. It is also consistent with past decisions of the BOAR with regard to window replacement.
2. Although the appearance from the street of the vinyl windows may be virtually the same as that of the structure's original windows, the fact remains that the material used in the replacement windows is different and, in fact, is not permitted. This, in itself, violates the requirement that, if replacement windows are permitted (which, in this case, they are, having been approved by the BOAR), one of the characteristics of the replacement windows is to be "in-kind" materials, as noted in Guideline I.24.B.
3. The adopted Design Guidelines underwent extensive review and revision a few years ago, one of the reasons being the availability of new products that could (and often did) replicate historic materials and were structurally sound. Use of vinyl products (both in windows and other building materials) was discussed at length. Based on safety issues, as well as aesthetics, vinyl has remained a material that is strictly disallowed.

Planning Commission Questions – Ms. Roche-Phillips asked if there was public input at the BOAR meeting. Bettie Kerr, Director of Historic Preservation, said that the minutes from the BAOR meeting do not reflect public input on this case.

Mr. Holmes asked if the staff is requesting that the appellant remove the vinyl windows that were installed. Ms. Kerr replied affirmatively, and said that those windows were installed without obtaining a COA permit. She said that the windows are in violation of the Design Guidelines.

Historic Preservation Presentation – Ms. Kerr submitted into the record the Certificate of Appropriateness application, the Board of Architectural Review minutes, Article 13 of the Zoning Ordinance (Historic Preservation section) and the Design Guidelines, as well as the minutes from the BOAR hearing. She presented several photographs to the Commission and gave a brief description of each (A copy of the mentioned items is attached as an appendix to these minutes).

Note: Ms. Copeland arrived at this time.

Win Meeker, Chair of the Historic Preservation Commission, was present and gave a brief history as to how the adopted Design Guidelines were established. She said that Lexington's first local historic district was established in 1958, and there are thousands of historic districts around the country. Each city has its own set of Design Guidelines. In 2008, the Historic Preservation Design Guidelines were reviewed by a Committee that included professionals with different backgrounds. She said that the Committee reviewed other cities' design guidelines in an effort to update Lexington's design guidelines. She then said that during the review process the biggest discussion was windows and siding. The consensus of the Committee was that wood is not the same grade as it was in the past and it can be expensive to purchase. In making that determination, the Committee felt that a compromise was needed to allow the use of other materials that would still retain the historic features of a structure. After a lengthy discussion, it was determined that aluminum clad or wood windows would be allowed, but not vinyl. She said that windows are an important feature to a structure because they are the "eyes" of that building.

Ms. Meeker said that vinyl ruins the aesthetics of a property and lowers its value. This is important because a historic property will maintain its value over time, where newer construction will decrease. She noted that even though new construction permits are down, the COA permits required for historic renovations are up. This increase helps the economy through supply and demand; it helps sustain employment and it provides jobs for laborers. She said that vinyl is not safe for the environment because it does not degrade over time and it remains in the landfills. She then said that vinyl poses a higher risk should a house catch on fire. Vinyl burns at a hotter temperature and produces toxic fumes.

Ms. Meeker concluded by saying that the revised Design Guidelines have been in force for 2 years. She asked that the Planning Commission uphold the BOAR decision by not allowing vinyl windows in the historic district.

Ms. Kerr stated that the Aylesford Historic District was designated in 1998; and in the interest of this case, the staff researched the history of this property, as to what permits were obtained by the appellant. She said that the property owner was cited in 2002 for replacing the sidewalks without a COA permit. With that being said, Ms. Kerr requested that the Planning Commission uphold the BOAR decision by denying the appellant's request, adding that the Design Guidelines do not allow vinyl windows.

Appellants Presentation – Stuart Lowenthal, along with Arthur Salomon, was present. He said that he respects what Historic Preservation is doing with these neighborhoods. He gave a brief description of Mr. Salomon and his professional background, as well as his own.

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Mr. Lowenthal said that they have owned this property for 25 years, and over time they have made improvements to the house. These improvements included adding storm windows, upgrading the heating and air conditioning units and rewiring the existing electrical system. He added that the kitchens and bathrooms were renovated, and the hardwood floors have been refinished. He said that the tenants of the building are young professionals and they have voiced their concerns with the windows being drafty, not insulated, and deteriorating. He then said that he and Mr. Salomon felt it was time to replace the windows on the house, especially on the ones on the front façade.

Mr. Lowenthal directed the Commission's attention to one of the windows that needed to be replaced to demonstrate its condition. He said that the reason they considered vinyl windows was low maintenance or upkeep. He knew that vinyl was not allowed as siding, soffits or fascia board, but he did not know that vinyl was prohibited for windows.

Mr. Lowenthal presented several photographs to the Commission and gave a brief description of each. (A copy of the photographs is attached as an appendix to these minutes). He noted that, from the street the, difference between the original and the replacement window can not be seen. He said that replacing the original windows with wood windows was not cost effective. They believe in maintaining their property at a higher standard in order to accommodate their existing tenants and attracting new tenants.

Mr. Lowenthal read the following excerpt from the Design Guidelines into the record:

*"Window openings, windows, window details, and the size and shape of these elements help establish rhythm, scale and proportion of buildings and reflect architectural style and character. **Windows should be maintained or repaired to match the original design. If windows are deteriorated beyond repair, the installation of new wood windows to match the original designs is recommended.** Windows of baked enamel or anodized aluminum clad may be considered only if original windows cannot be repaired. Vinyl or vinyl clad windows are not allowed. Original window openings should not be covered or concealed. They should also not be partially enclosed for the installation of smaller windows. New window openings should not be added on the fronts of buildings and are discouraged but may be acceptable at the rear or sides."*

Mr. Lowenthal said that the outer core of the window has not been removed - only repaired back to its original state. He then said that the vinyl windows were used because they are energy efficient. As for the house's exterior features, nothing else has been altered.

In conclusion, Mr. Lowenthal said that they tried to make the house as aesthetically appealing as possible by retaining the authentic look of the house. He requested that the Planning Commission allow the existing vinyl windows to remain intact, with the understanding that prior to any other exterior windows being replaced, a request will be submitted to the Historic Preservation staff and to the BOAR for review.

Planning Commission Questions – Ms. Copeland asked where Mr. Lowenthal got the exhibit window. Mr. Lowenthal said that he was not sure, but it was one of the front windows that had been replaced. Ms. Copeland confirmed that the windows are painted every 7 years. Mr. Lowenthal replied affirmatively, and noted that this is why the windows are in the condition they are in. Ms. Copeland clarified that the windows inside the storm windows were painted, and they were still badly weathered. Mr. Lowenthal replied affirmatively. Ms. Copeland asked how long Mr. Lowenthal has owned this property, to which he responded that it had been approximately 25 years. Ms. Copeland confirmed that this property has been in the historic district since 1998, and that Mr. Lowenthal was not aware that vinyl windows were prohibited. Mr. Lowenthal said that he did not know the vinyl windows were not allowed. Ms. Copeland asked if Mr. Lowenthal asked the staff. Mr. Lowenthal said that he did not know to ask the staff. Ms. Copeland commented that the National Historic Preservation Office believes that the windows are the "eyes" of a building; and once the eyes are changed, the building does not look the same. She said that a historic district is bounded by a lot of people that have a trust in the common good. When one person slacks off it hurts the common good of that historic district. She asked if it is right to allow this request to go forward (i.e., allow the vinyl windows) while the remaining area stays pure and original. She said that keeping the integrity of the whole historic district is important.

Mr. Lowenthal asked, if the windows are the "eyes" of the house, if Ms. Copeland could see which of the windows were replaced in the photograph. In response, she said that once the original history and look is destroyed, it can and will always be replaced and will never be the same structure. She then said that it is only genuine when the original integrity is not destroyed. Just because something looks the same, it doesn't address the real issue of retaining the historic value and fabric of a structure. Mr. Lowenthal said that technology changes, and vinyl has changed since it was first introduced. He said that metal clad was not allowed two years ago and now it can be used in a historic district. Vinyl windows are just as good as wood windows, but more energy efficient and cost effective. He said to answer the question as to whether or not a person can tell the difference between false and original is not a simple yes or no answer. Ms. Copeland said that perhaps his argument is with the National Historic Preservation Office, who established these guidelines. Mr. Lowenthal referenced "This Old House" and said that on occasions they will use vinyl for a non-working window and Styrofoam/concrete to form the historic look of a house.

Mr. Owens asked if the appellant is asking to retain what has been replaced; and for the remaining windows, if he would seek the approval of the BOAR. Mr. Lowenthal replied affirmatively. Mr. Owens said that in visiting the area, it appeared that vinyl had been used on other structures along the same street as Mr. Lowenthal's property, and asked for an explanation from the staff. Ms. Kerr said that some structures had made changes to their house prior to the area being rezoned to a historic district. She then said that if those houses were to make the same changes at this point in time, they would be disapproved

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under the current Design Guidelines. She noted that vinyl is associated with new construction only; it is not allowed on an existing historic structure.

Ms. Roche-Phillips asked when the house was constructed. Mr. Lowenthal said that the house was built in 1922. Ms. Roche-Phillips then asked how many windows, in total, are on the house. Ms. Kerr said that there are 35 windows. Mr. Lowenthal said that out of the 35 windows there are 8 nonfunctioning windows. Ms. Roche-Phillips said that out of 35 windows, 12 have been replaced. Mr. Lowenthal said that 10 windows have been replaced. Ms. Roche-Phillips asked how many more windows require replacement. Ms. Kerr said that there are 21 windows remaining.

Mr. Cravens said that vinyl windows are a good choice due to the quality, the longevity and the high U-factor. He said that the appearance of vinyl windows is more appealing than aluminum clad windows and asked why one is allowed and not the other. Ms. Kerr said that the aluminum can more closely copy the original profile, where as vinyl can not. She then said that they are seeing more and more cases coming to the BOAR where vinyl windows have failed. Mr. Cravens disagreed and said that these windows are 1 over 1 pane, not true divided light, which would not be possible with vinyl. In reviewing the photograph of the front façade, he could see no difference between wood and vinyl.

Mr. Holmes asked, as the industry evolves, if there has been discussion in using vinyl. In response, Ms. Kerr said that it seems the industry is moving away from vinyl due to the number of problems it causes. She said that the data supports the actuality of the problems experienced with vinyl within the historic districts across the nation.

Audience Comment – The Chair asked if anyone in the audience wished to discuss this request. There was no response.

Planning Commission Discussion – Mr. Brewer said that these decisions are difficult; but they were not there to debate the benefits of vinyl or wood. He added that the Design Guidelines clearly state that vinyl is not allowed in the H-1 overlay zone, noting that the BOAR made their recommendation; and unless there is further evidence, the Commission should uphold their decision. When a neighborhood becomes H-1 or implements an Nd-1 overlay, a lot of thought and work goes into that decision. It would not be right for the Commission to override those efforts it takes to change a neighborhood designation to an H-1 or ND-1 zone, because it would be a disservice to the neighborhoods. It was Mr. Brewer's opinion that the decision of the BOAR should be upheld.

Mr. Owens said that he concurred with Mr. Brewer, and that these windows were retrofitted in the past. Even though there is a need for the windows to be replaced, the language in the design guidelines is clear. He then said that he also agreed with Mr. Cravens that vinyl has improved over the years and is a good material. He noted that it is not cost effective to replace an expensive wooden window only 7 years after installation. He said that he understood Mr. Lowenthal's dilemma and had no problem with the appearance of the vinyl windows; however, the Design Guidelines clearly state that vinyl is not allowed. He suggested that the Historic Preservation revisit the issue of vinyl in the future.

Ms. Blanton agreed that the issue of vinyl needs to be revisited. She said that the intent is good, but people are being stuck with deteriorating windows that need to be replaced. She noted that she also agreed with Mr. Brewer's comments. She then said that it's hard to believe that Mr. Lowenthal was unaware of this issue or that he should have checked with the staff. She does not believe that the Commission should allow something for people who do not "play by the rules."

Ms. Roche-Phillips said that she supports the historic districts, and that it's important to protect these areas. She then said that the intent of the guidelines is good all the way around, but holding the line on the prohibition of vinyl clad windows, which are considerably less expensive than the wooden counterparts, has a negative impact in terms of public response for historic districts; and when the Commission had requested that the guidelines be revisited, there was hope that vinyl windows would have been included. Ms. Roche-Phillips said that she respects and understands the rationale behind the BOAR decision, but this creates a difficult situation. She then said that they want to support the H-1 districts and the properties in these areas, but they do not want to turn the public against maintaining the integrity of these houses because of the guidelines for the H-1 areas.

Mr. Cravens asked if the appellant could remove the windows from the front to replace the rear windows. Ms. Kerr said that the Design Guidelines and the H-1 process do not make the distinction between the front and the rear elevations of the house. She said that the process deals with the integrity of the whole house, not just parts. Mr. Cravens asked if there is no compromise, and if it's all or nothing. Ms. Kerr said that the process expects the criteria to be adhered to.

Mr. Owens asked if the cost or quality of the window comes into play when making a decision. Ms. Kerr said that many things are factored into the BOAR decision. Mr. Owens asked if there are any guidelines regarding quality of the wood. Ms. Kerr said that the replacement window should match the original style of the window, which could factor into the quality of the window. She said that the brand of the window is not a something they consider. Mr. Owens said that there is a wide variety of wooden windows, ranging in price.

Mr. Holmes said that when the Commission approves an H-1 or ND-1 overlay zone, there will come a time when conflict will arise. To eliminate those conflicts, the guidelines would need to be revisited; but until that time, the Commission should support any decision being made by the BOAR.

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Action - A motion was made by Mr. Brewer, seconded by Ms. Copeland, and carried 6-5 (Richardson, Roche-Phillips, Paulsen, Beatty, and Cravens opposed) to disapprove the appeal and uphold the BOAR decision, for the reasons provided by the staff.

- B. ANNUAL REPORT FROM PURCHASE OF DEVELOPMENT RIGHTS PROGRAM** – The Commission will hear from Mr. Billy Van Pelt, who will present the required Annual Report from the Rural Land Management Board.

Mr. Van Pelt distributed the necessary information for the annual PDR report to the Commission members, as required by the Zoning Ordinance. He said that the PDR program currently has 25,425 acres participating, which is almost 51% of the goal of 50,000 acres by 2020.

Mr. Van Pelt presented a brief PowerPoint presentation to the Commission, and noted that Fayette County is ranked number 2 in Kentucky farm products. He said that the horse industry in Fayette County has established an equine cluster that includes hospitals, facilities and professionals. He then said that as for the tourism in Fayette County, at least 60% of the tourists visit the local farms.

Mr. Van Pelt referenced the Op-Ed article written by Bill Lear, and said that prior to the PDR Program, the 10-acre tracts were decreasing as development increased. This is what led to the creation of the Rural Land Management Plan. The goal of the PDR Program is to purchase conservation easements, and protect the agricultural and equine economies, as well as the tourism industry. He said that the PDR program is a voluntary program; and to participate, the applicant must have a farm with at least 20 acres. He then said that the applicants are considered based on a ranking system, which will then prioritize the order of acquisitions.

Mr. Van Pelt said that the PDR Ordinance was adopted in January, 2000, at which time the Rural Land Management Board was established to oversee the process of the PDR Program. He then said that the Board solicits, acquires and hold the conservation easements. The Board prioritizes and expends funds for the acquisitions, as well as hold public meetings. They also solicit contributions and establish administrative procedures.

Mr. Van Pelt said that the LESA ranking system is weighted toward agricultural uses and environmental quality. He then said that, to determine the ranking system, appraisers evaluate each farm for assessment. The purchase of property is funded by the LFUCG and various matching grants. He noted that there are several types of farms for the PDR conservation easements; these include farms that have been donated, both equine and general agricultural, as well as other farms. He noted that the data for Round 10 includes 39 applications being received for 3,200 acres of farm land, and the initial ranking and final ranking have been completed.

Mr. Van Pelt stated that our PDR program is nationally recognized, and has been compared to many famous preservation programs. He said that preserving farm land is also recognized globally due to countries' decreasing availability of land. These countries purchase land in other places to help secure their food supply. He said that the PDR Program offers many benefits for Fayette County, including preservation of farmland; control of the Urban Service Area boundary; creation of agricultural jobs; protection of environmentally sensitive areas; and contribution to the tourism industry.

Planning Commission Questions – Ms. Roche-Phillips asked if the American Farm Land Trust generate a follow-up study for Fayette County. Mr. Holmes replied that there was a study done, but it was not for Fayette County. Mr. Van Pelt said that he could research that information and circulate it back to Mr. King.

Mr. Cravens asked that with the budget constraints and the current economic situation, what the urgency is in acquiring the development rights since the land can not be developed unless the lots are 40 acres in size. Mr. Van Pelt said that the operating expense of the PDR Program is less than half of one percent of the city budget. He said that this is providing the taxpayer a return for that investment. As part of economic development, they need to attract more people to the farm lands. He said that as for the budget cost, the Mayor-elect and the Council members will determine the amount received based upon the data the staff gives them.

Mr. Owens asked if the investment that the city is making by supporting the agricultural farm land pays dividends back in the form of economic impact. Mr. Van Pelt said that they receive 15 million dollars back through local tax receipts through tourism.

Ms. Copeland asked if the Comprehensive Plan mandates the PDR Program. Mr. Van Pelt said that that is one part of the process, and Fayette County has been proactive in land use planning. He then said that there has been an urban growth boundary since 1958 and the 10-acre limit was set in 1964 and 40-acre tract limit was set in 1999. The community has stated that this program is an asset to Fayette County. He noted that the green infrastructure will also pay back dividends.

Mr. Cravens asked if the PDR budget can be reduced since the land can not be developed with the current recession. Mr. Van Pelt said that this program needs to stay on track because it is protecting the farm land through the conservation easements. He then said that the community has invested 20 years in this process, and Fayette County has been recognized nationally for the program. The PDR Program is a small part of the city budget, and the budget has been reduced by minimizing overhead while maximizing outcome.

*Note: Mr. Holmes departed at this time.*

Ms. Roche-Phillips commented that the PDR Program is a good investment and just because there are hard times doesn't mean the program should be stopped. She feels that this is a good investment, for the future and hopes the acreage is increased.

Mr. Owns thanked Mr. Van Pelt for his work with the PDR program. Mr. Van Pelt said that, on behalf of the Rural Land Management Board, they are looking forward to working with the Planning Commission on the goals and objectives of the Comprehensive Plan and anything else that may impact the PDR Program.

- C. APPOINTMENT OF NOMINATING COMMITTEE FOR COMMISSION OFFICERS** – The Chair stated that she would like to appoint Mike Owens, Mike Cravens and Ed Holmes to the nominating committee for Commission officers. She asked that they be prepared to present a slate of officers at the first Planning Commission meeting in January.

**VII. STAFF ITEMS** – The Chair asked if there were any Staff items to bring forward to discuss at this time.

- A. UPCOMING WORK SESSION** – Mr. King invited the Commission to the upcoming Christmas luncheon on December 15, 2010 in the 7<sup>th</sup> floor conference room.
- B. BIRTHDAY ANNOUNCEMENT** – Mr. King announced that it was Tom Martin's Birthday, and would like to wish him the best. The Chair added that the Commission would like to extend their wishes to Mr. Martin, as well.

**VII. AUDIENCE ITEMS** – The Chair asked if there were any audience items to bring forward to discuss at this time. There was no response.

**VIII. NEXT MEETING DATES**

Technical Committee, Wednesday, 8:30 a.m., Planning Division Office (Phoenix Building) .....	December 15, 2010
<b>Zoning Items Public Hearing</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....	<b>December 16, 2010</b>
Subdivision Committee, Thursday, 8:30 a.m., Planning Division Office (Phoenix Building) .....	January 6, 2011
Zoning Committee, Thursday, 1:30 p.m., Planning Division Office (Phoenix Building) .....	January 6, 2011
<b>Subdivision Items Public Meeting</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....	<b>January 13, 2011</b>
Work Session, Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....	January 20, 2011
<b>Zoning Items Public Hearing</b> , Thursday, 1:30 p.m., 2 <sup>nd</sup> Floor Council Chambers .....	<b>January 27, 2011</b>

**IX. ADJOURNMENT** - There being no further business, a motion was made to adjourn the meeting at 3:24 PM.

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Carolyn Richardson, Chair

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Mike Owens, Secretary